

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
DANIEL E. LAFRENIERE,)
)
)
Plaintiff,)
) C.A. No. 04-40070-NG
v.)
)
UNITED STATES OF AMERICA,)
)
)
Defendant.)
)

**DEFENDANT'S SECOND MOTION TO EXTEND TIME
IN WHICH TO RESPOND TO COMPLAINT**

Defendant, United States of America,¹ respectfully moves this Court for an extension of time from today up to and including September 20, 2004, to answer or otherwise respond to Plaintiff's Complaint. The undersigned counsel for Defendant asserts that such an extension will allow the Assistant U.S. Attorney the additional time to obtain relevant facts and background information of this matter.

In particular, Plaintiff's Complaint contains a multitude of references to pleadings, and other proceedings, in related criminal cases. At the time of the defendant's first motion for an extension, on July 23, 2004, the undersigned Assistant U.S. Attorney had located the now-closed criminal cases, which contain

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Defendant is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Defendant intends to raise those defenses when it answers or otherwise responds to the Complaint.

22 boxes of material still in the U.S. Attorney's Office in Springfield, with additional material in archives. The undersigned has now received the materials from the U.S. Attorney's Office in Springfield, as well as the bulk of the materials which were located in archives. The undersigned received the materials from archives this past Monday, August 16, 2004 and has not had an adequate opportunity to review those materials. However, a preliminary review of the materials indicates that there may be additional materials contained in an appellate file which the undersigned is now attempting to locate.

WHEREFORE, Defendant respectfully requests that this Court allows its motion for an extension of time up to and including September 20, 2004, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer C. Boal
Jennifer C. Boal
Assistant U.S. Attorney
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Boston, MA 02210
(617) 748-3100

Dated: August 20, 2004

CERTIFICATE OF SERVICE

I certify that on August 20, 2004, I caused a copy of the foregoing Motion to be served by first class mail, postage prepaid to Plaintiff, Reg. No. 90333-038 at FMC Devens, P.O. Box 879, Ayer, MA 01432

/s/ Jennifer C. Boal
Jennifer C. Boal
Assistant U.S. Attorney

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a prisoner currently incarcerated in a federal correctional facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Jennifer C. Boal
Jennifer C. Boal
Assistant U.S. Attorney